

10-23-00  
CONTINUING PATENT APPLICATION TRANSMITTAL  
(for Continuing Applications  
under 37 C.F.R. §1.53(b))

Attorney Docket No. 70102

First Named Inventor or  
Application Identifier: Fitzgibbon et al.

Box PATENT APPLICATION

Commissioner of Patents and Trademarks  
ATTENTION: Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

This is a request under 37 C.F.R.  
§1.53(b) for filing a:

- (X) Continuation application,  
( ) Divisional application,  
( ) Continuation-in-Part application,

of pending prior application number 09/161,840,

filed on September 28, 1998 of James J. Fitzgibbon et al.  
(Date) (Inventor(s))  
for MOVABLE BARRIER OPERATOR  
(Title)

1. (X) This is a continuation or divisional application. Enclosed is a copy of the prior application as originally filed, including specification, claims, drawings, and oath or declaration.

- or -

- (X) Enclosed is a patent application (for continuation, divisional, or continuation-in-part applications) containing:

(X) 145 pages of the specification (including claims).

(X) 45 sheets of drawings ( ) Formal (X) Informal.

- 2 (X) Amend the specification by inserting before the first line the sentence: --This is a [X] continuation, [ ] division, [ ] continuation-in-part, of prior application number 09/161,840, filed September 28, 1998, which is hereby incorporated herein by reference in its entirety.-- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 3 below, is considered as being part of the disclosure of the accompanying application, and is hereby incorporated by reference therein.

# PATENT

Attorney Docket No. 70102

3. (X) A copy of the executed oath or declaration filed in the prior nonprovisional application is enclosed.
4. ( ) Inventorship:
- ( ) A newly-executed oath or declaration and power of attorney is enclosed (for continuation-in-part applications, or for continuation or divisional applications naming an inventor not named in the prior application) (§1.63(a), (d)(5) and (e)).
- ( ) Because this application is being filed by fewer than all of the inventors named in the prior application, delete the following inventor(s) named in the prior nonprovisional application (37 C.F.R. §1.63(d)(1)(2)):
- \_\_\_\_\_
- \_\_\_\_\_.
- ( ) The names of persons believed to be the actual inventors are set forth in the enclosed unexecuted oath or declaration and power of attorney (§1.41(a) and §1.53(b)).
5. ( ) Assignment(s) of the invention to \_\_\_\_\_, and cover sheet are enclosed.
- ( ) A check in the amount of \$\_\_\_\_\_ to cover the fee for recording the assignment(s) is enclosed.
6. (X) The prior application is assigned of record to  
THE CHAMBERLAIN GROUP, INC.
7. ( ) Small Entity Status (37 C.F.R. §1.28(a)(2)):
- ( ) A statement of status as a small entity is enclosed.
- ( ) A statement of status as a small entity was filed in the prior application, and small entity status is still proper and desired in this new nonprovisional application.
- ( ) Status as a small entity is no longer claimed.
8. ( ) A 37 C.F.R. §3.73(b) statement is enclosed (where an assignee seeks to take action in a matter before the Patent Office).
9. (X) A preliminary amendment is enclosed.
10. ( ) Drawings:
- ( ) Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May be used only if signed by person authorized by §1.138 and before payment of base issue fee.)

- ( ) New formal drawings are enclosed.
- ( ) Informal drawings are enclosed.
11. (X) A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.
12. ( ) An Information Disclosure Statement is enclosed.
- ( ) A Form PTO-1449 is enclosed.
- ( ) \_\_\_\_\_ References (copies) listed on the Form PTO-1449 are enclosed.
13. ( ) A MicroFiche Computer Program (Appendix) is enclosed.
14. (X) A Return Receipt Postcard is enclosed (MPEP §503).
15. ( ) A Nucleotide and/or Amino Acid Sequence Submission is enclosed.
- ( ) A Computer Readable Copy is enclosed.
- ( ) A Paper Copy (Identical to Computer Copy) is enclosed.
- ( ) A Statement Verifying Identity of above Copies is enclosed.
16. ( ) Priority of application number \_\_\_\_/\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §119.
- ( ) The certified copy of the priority document has been filed in prior application number \_\_\_\_/\_\_\_\_, filed \_\_\_\_\_.
- ( ) A certified copy of the priority document is enclosed.
17. (X) Power of Attorney:
- (X) The power of attorney in the prior application is to:
- (X) Timothy E. Levstik Reg. No. 30,192,  
FITCH, EVEN, TABIN, & FLANNERY  
120 South LaSalle Street, Suite 1600  
Chicago, Illinois 60603-3406  
and other members of the firm.
- (X) Customer Number 22242.
- ( ) The power appears in the original papers in the prior application.
- ( ) Since the power does not appear in the original papers in the prior application, a copy of the power in the prior application is enclosed.

Filed: October 20, 2000

PATENT  
Attorney Docket No. 70102

18. (X) Cancel in this application original claims 1-5 and 7-30  
\_\_\_\_\_ of the prior application before calculating  
the filing fee. (At least one original independent claim must be  
retained for filing purposes.)

19. (X) The filing fee is calculated below:

Fee Calculation for Claims as Filed in the Prior Application,  
Less Any Claims Cancelled by Amendment

(X) Basic Utility Fee \$ 710.00 \$ 710.00

• (X) Independent Claims 2 - 3 = 0 x \$ 80.00 = \$ -0-

• (X) Total Claims 2 - 20 = 0 x \$ 18.00 = \$ -0-

• ( ) Fee for Multiply Dependent Claims \$270.00 \$ \_\_\_\_\_

or

( ) Basic Design Fee \$ 320.00 \$ \_\_\_\_\_

Total of above Calculations \$ 710.00

Reduction by 50% for Filing by Small Entity \$ \_\_\_\_\_

Total \$ 710.00

20. (X) A check in the amount of \$ 710.00 is enclosed.

21. ( ) Charge \$ \_\_\_\_\_ to Deposit Account No. 06-1135.

22. ( ) The payment of the Filing Fee is to be deferred until the  
Declaration is Filed. Do not charge our Deposit Account.

23. (X) The Commissioner is hereby authorized to charge any fees which may  
be required under 37 C.F.R. §§1.16 and 1.17 and are not paid  
herewith, or credit any overpayment, to Deposit Account Number  
06-1135. A duplicate copy of this request is enclosed.


24. ( ) Also enclosed:

25. (X) Address all future communications to Customer Number 22242.



FITCH, EVEN, TABIN & FLANNERY  
Suite 1600  
120 South LaSalle Street  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007

October 20, 2000  
(Date)

  
\_\_\_\_\_  
Timothy E. Levstik  
Registration No. 30,192  
(X) Attorney or agent of record  
( ) Filed under §1.34(a)

PATENT APPLICATION

Attorney Docket No. 70102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James J. Fitzgibbon  
Paul E. Wanis  
Colin B. Willmott

Appln No. Not yet assigned

Filed: Herewith

Title: MOVABLE BARRIER OPERATOR

Group  
Art Unit: Not yet assigned

Examiner: Not yet assigned

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
)  
) "Express Mail" Mailing Label Number  
)  
) EL 600581103 US  
)  
) Date of Deposit October 20, 2000  
)  
) I hereby certify that this paper or fee is being  
) deposited with the United States Postal Service  
) "Express Mail Post Office to Addressee" Service  
) under 37 CFR §1.10 on the date indicated above  
) and is addressed to the Commissioner of Patents  
) and Trademarks, Washington, D.C. 20231.  
)  
) Edward Price  
) (Typed or printed name of person mailing)  
)  
) *Edward Price*  
) (Signature of person mailing)



Commissioner of Patents and Trademarks  
ATTENTION: Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment/reply in the above-identified application.

( ) A paper requesting correction/substitution of drawings is attached.

(X) No additional fee is required.

Fee Calculation For Claims As Amended

	As Amended	Previously Paid For	Present Extra	Rate	Additional Fee
Independent Claims	<u>2</u>	- <u>3</u> **	= <u>      </u> x	\$ 80.00	= \$ <u>-0-</u>
Total Claims	<u>2</u>	- <u>20</u> *	= <u>      </u> x	\$ 18.00	= \$ <u>-0-</u>
Fee for Multiply Dependent Claims				\$270.00	\$ <u>      </u>
** At least 3					
* At least 20					
			Total Additional Fee		\$ <u>-0-</u>

( ) Small Entity Fee (reduced by half) \$       

( ) A check in the amount of \$        is attached.

( ) Charge \$        to Deposit Account No. 06-1135.

(X) The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.

FITCH, EVEN, TABIN & FLANNERY

120 South LaSalle Street  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007

By: *Timothy E. Levstik*  
Timothy E. Levstik  
Registration No. 30,192